

Hawaii State Legislature
Hawaii State Legislature
State House of Representatives
Committee on Judiciary

State Representative Karl Rhoads, Chair
State Representative Joy A. San Buenaventura, Vice Chair
Committee on Judiciary

Friday, February 20, 2015, 4:00 p.m. Room 325
House Bill 268 HD 1 Relating to Dentistry

Honorable Chair Karl Rhoads, Vice Chair Joy A. San Buenaventura and
members of the House Committee on Judiciary,

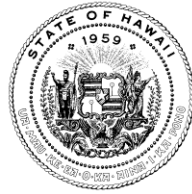
My name is Russel Yamashita and I am the legislative representative for the Hawaii Dental Association (HDA) and its 960 member dentists. The Hawaii Dental Association is a statewide professional membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii Board of Dental Examiners. Hawaii Dental Association members are committed to protecting the oral health and well being of people of all ages. I appreciate the opportunity to testify in support of House Bill 268 HD 1 Relating to Dentistry.

This bill is similar to legislation that the HDA sought to have enacted in 2009, which would have empowered the Hawaii Board of Dental Examiners (BODE) to issue cease and desist orders to stop those persons who were practicing without proper licensure in Hawaii or whose conduct was in violation of the Hawaii statutes and rules governing the practice of dentistry. This bill addresses a problem that has arisen in which the BODE is unable to quickly address those situations where there is a clear violation of the Hawaii dental laws. Currently, the BODE cannot take immediate action necessary to stop those whose continued violation of the law constitutes a clear and present danger to the health and welfare of the public.

In this House Draft 1, this bill only remedies violations of the dental laws by licensed individuals. This draft overlooks those who are unlicensed and violate these statutes, which the original legislation covered. The HDA would like to have the BODE granted the authority over unlicensed activity, so that the public can be given the same level of protection against unlicensed individuals as with licensed ones. Therefore, the HDA would appreciate amending this measure to extend the protections of this legislation for the public's benefit by authorizing the Board of Dental Examiners to have the authority to take similar action against unlicensed individuals in addition to licensees.

We commend the legislature for addressing this gap in our current law and look forward to working with you for the benefit of the public.

LATE



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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2015

FRIDAY, FEBRUARY 20, 2015
4:00 P.M.

TESTIMONY ON HOUSE BILL NO. 268 H.D.1
RELATING TO DENTISTRY

TO THE HONORABLE KARL RHOADS, CHAIR,
AND TO THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 268 H.D.1, Relating to Dentistry. My name is Daria Loy-Goto, Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following comments in support of the bill.

House Bill No. 268 H.D.1 authorizes the Board of Dental Examiners ("Board") to summarily suspend a license upon a specific determination that failure to take action may result in an immediate and unreasonable threat to personal safety or

fraud or misrepresentation upon consumers. The bill specifies the contents for an order of summary suspension, the means of service of an order for summary suspension, and the length of time a summary suspension order remains in effect.

House Bill No. 268 H.D.1 also affords the licensee an opportunity for a hearing if a summary suspension order is issued. In addition, the bill mandates that any attempt to practice or continuation of the practice of dentistry while the license is summarily suspended shall constitute grounds for revocation of the license. The bill's language is substantially similar to §453-8.4, Hawaii Revised Statutes, which allows the Hawaii Medical Board to summarily suspend a physician's license.

House Bill No. 268 H.D.1 will enable the Board to respond swiftly and appropriately for the protection of consumers by summarily suspending a license. RICO recognizes the unusual circumstances in which a request for summary suspension may be made, but believes such a remedy is sometimes necessary to protect patients.

Thank you for the opportunity to testify on House Bill No. 268 H.D.1. I will be happy to answer any questions the members of the Committee may have.

LATE

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2015

Friday, February 20, 2015
4:00 p.m.

TESTIMONY ON HOUSE BILL NO. 268, H.D. 1, RELATING TO DENTISTRY.

TO THE HONORABLE KARL RHOADS, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Mark Chun, D.M.D., Dental member of the Board of Dental Examiners ("Board"). The Board appreciates the opportunity to testify and offer comments on House Bill No. 268, H.D. 1, Relating to Dentistry.

The purpose of House Bill No. 268, H.D. 1, allows the Board of Dental Examiners to summarily suspend a license upon a specific determination that the failure to take such action may result in an immediate and unreasonable threat to personal safety or of fraud that jeopardizes or endangers the health or safety of patients.

The Board supports the intent of this bill but believes provisions are already in place in Chapter 436B, Hawaii Revised Statutes ("HRS"), Professional and Vocational Licensing Act, which adequately fulfill the purpose of this measure. Initially, the intent of this bill was to grant the Board the power to issue cease and desist orders for the unlicensed practice of dentistry and for any other act or practice in violation of the dental licensing laws. The Board testified that pursuant to section 436B-27, HRS, and 436B-26.5, HRS, there already exists provisions for the Regulated Industries Complaints Office ("RICO") to address unlicensed activities. House Draft 1 deletes the provisions

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Friday, February 20, 2015
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related to unlicensed practices as presumably provisions in Chapter 436B, HRS, address the issue.

House Draft 1 now proposes to add a summary suspension provision to the dental statutes in Chapter 448, HRS. However, there is already a summary suspension provision in section 436B-23, HRS, that affects all professions and licenses under the jurisdiction of the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs. Rather than add piece meal legislation for each profession of licenses chapter by chapter, would it not be better to address the matter in Chapter 436B, HRS, and have jurisdiction over all licenses?

If the Committee feels that the current language in section 436B-23, HRS, is inadequate, further amendments can be made to the section.

Thank you for the opportunity to testify on House Bill No. 268, H.D. 1, and I will be available for questions.

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------|--------------|-----------------------|-----------------------|
| Dylan Armstrong | Individual | Support | No |

Comments:

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|-----------------------|-----------------------|
| James Logue | Individual | Support | No |

Comments: